

CHAPTER 8

CONSTRUCTION IN TOWN RIGHT-OF-WAY

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8-1 Purpose

This Ordinance has been adopted to protect public safety during the course of any construction activity within the municipal right-of-way, and to ensure that any portion of roadway, sidewalk, curbing, drainage system, or lawn area impacted by such construction activity is restored so that it is safe, durable and conforms to accepted construction standards.

8-2 Statutory Authority

This Ordinance has been promulgated under the authority granted the Town's Legislative Body by 19 V.S.A. 304(23) and 24 V.S.A. 2291(6).

8-3 Road Opening Permit

- a. Any person who plans to dig in or disturb a Town sidewalk or highway, or plans to perform construction within the municipal right-of-way, shall not initiate such work until he/she has obtained a "Road Opening Permit" from the Town's Highway Superintendent.**
- b. When processing an application for a "Road Opening Permit", the Highway Superintendent may set forth reasonable conditions and requirements that advance the goals and objectives stated in Section 8-1. It shall be unlawful for a permittee (the person issued a "Road Opening Permit") not to comply with a condition or requirement of his/her "Road Opening Permit".**

8-4 Fee

A fee of \$10.00 shall be required, upon application, by any person seeking a "Road Opening Permit".

8-5 Civil Designation

A violation of any of the provisions of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. § 1974a and 1977 et seq.

8-6 Penalties

a. Violation of Subsection 8-3a - A penalty of \$500.00 shall be imposed for a violation of Subsection 8-3a of this Ordinance. The waiver fee shall be established at \$250.00.

b. Violation of Subsection 8-3b - A penalty of \$400.00 shall be imposed for a violation of Subsection 8-3b of this Ordinance. The waiver fee shall be established at \$200.00.

8-7 Enforcement

The issuing official authorized to enforce this Ordinance shall be the Highway Superintendent.

8-8 Exemptions

Town Departments (Highway, Water and Sewer) shall not be subject to the provisions of this Ordinance.

8-9 Severability

If any provision within this Ordinance is for any reason held to be invalid, such action shall not affect the validity of the remaining provisions of this Ordinance.

Adopted
Effective

3/13/95
5/12/95